IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:10-CT-3079-FL

| OWEN D. LEAVITT, |) | |
|-----------------------------|---|-------|
| Plaintiff, |) | |
| v. |) | ORDER |
| LEWIS ALSTON THOMPSON, III, |) | |
| Defendant. |) | |

On May 27, 2010, plaintiff, a state inmate, filed this action *pro se* pursuant to 42 U.S.C. § 1983. On July 2, 2010, the court conducted a review of plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B), and dismissed it as frivolous. Plaintiff subsequently filed a notice of appeal, and, on September 16, 2010, the United States Court of Appeals for the Fourth Circuit dismissed plaintiff's appeal for failure to prosecute. Plaintiff now is before the court pursuant to his May 20, 2015, and August 3, 2015, motions for the return of all of the original exhibits he submitted in this case (DE 17, 18). Upon a review of the record, the court notes that plaintiff did not submit any exhibits in support of his complaint, or any other filing, in this action. Thus, plaintiff's motions (DE 17, 18) are DENIED as MOOT. To the extent plaintiff states that he did not receive a copy of the court's judgment in this action, the clerk of court is DIRECTED to send plaintiff a copy of the court's July 2, 2010, order and judgment.

SO ORDERED, this 23rd day of October, 2015.

LOUISE W. FLANAGAN United States District Judge

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